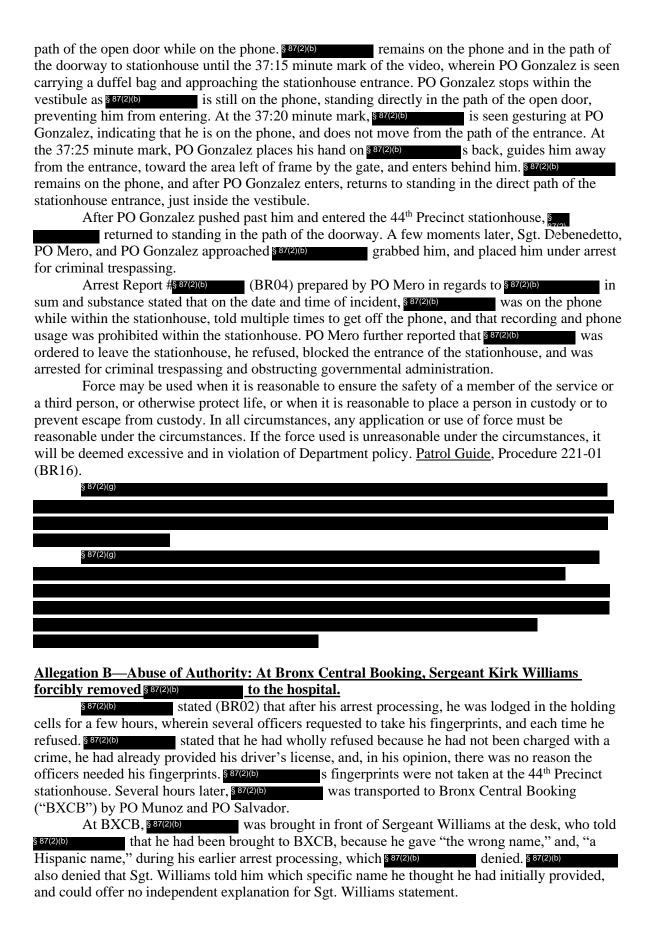
## CCRB INVESTIGATIVE RECOMMENDATION

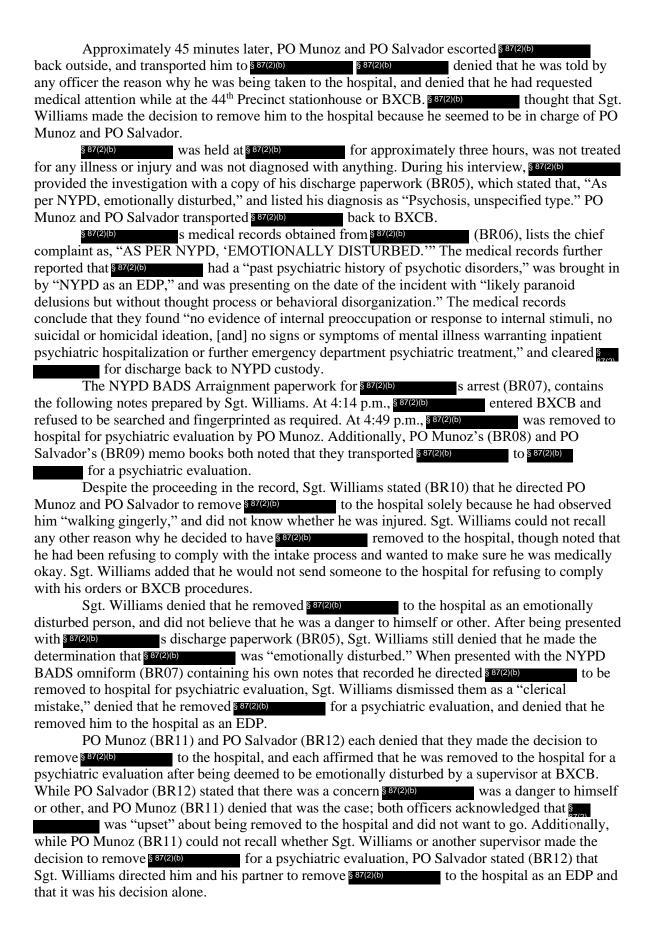
Investigator:		Team:	CCRB Case #:	<b>✓</b> Force	☐ Discourt.	U.S.
Griffin Sherbert		Squad #7	201909264	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Saturday, 09/28/2019 10:30 AM, Saturday, 09/28/2019 4:10 PM		1.) 44th Precinct stationhouse2 East 169th Street; 2.) BX Central Booking 215 East 161st Street		44	3/28/2021	11/12/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Tir	ne Received at CCR	i.B
Fri, 10/18/2019 5:00 PM		CCRB	Mail	Wed, 10	Wed, 10/23/2019 5:11 PM	
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. SGT Kirk Williams	00621	934257	BX CT			
2. POM Jose Gonzalez	11703	941830	044 PCT			
Witness Officer(s)	Shield N	Tax No	Cmd Name			
1. POM Onyx Salvador	22056	959962	044 PCT			
2. POF Ofelia Mero	06897	954131	044 PCT			
3. POM Victor Munoz	02296	965810	044 PCT			
4. SGT John Debenedetto	03874	900818	044 PCT			
Officer(s)	Allegation			In	Investigator Recommendation	
A.POM Jose Gonzalez		t the 44th Precinct statio z used physical force aga		cer Jose		
B.SGT Kirk Williams	Abuse: At Bronx Central Booking, Sergeant Kirk Williams forcibly removed \$87(2)(b) to the hospital.					

## **Case Summary**

On October 21, 2019, § 87(2)(b) appeared at the CCRB and provided the following written complaint. On September 28, 2019, at approximately 10:30 a.m., \$87(2)(b) entered the 44<sup>th</sup> Precinct stationhouse in the Bronx, to inquire generally about the Right to Know Act. Afterward, exited the stationhouse, made a phone call, and Police Officer Jose Gonzalez of the 44<sup>th</sup> Precinct pushed § 87(2)(b) while he was entering (Allegation A: Force-Physical Force, ). §87(2)(b) was arrested, charged with criminal trespassing and obstruction of governmental administration, and refused to be fingerprinted. Several hours later, \$87(2)(b) was transported to Bronx Central Booking by Police Officer Victor Munoz and Police Officer Onyx Salvador of the 44<sup>th</sup> Precinct. At Bronx Central Booking, \$87(2)(b) continued to refuse to be fingerprinted, and Sergeant Kirk Williams of Bronx Court Section directed him to be removed to \$87(2)(6) a psychiatric evaluation (Allegation B: Abuse of Authority-Forcible Removal to the Hospital, The investigation obtained (15) stationhouse videos from the 44<sup>th</sup> Precinct stationhouse and Bronx Central Booking, and well as nine Body-Worn Camera ("BWC") videos from the officers involved in this case. **Findings and Recommendations** Allegation A—Force: At the 44th Precinct stationhouse, Police Officer Jose Gonzalez used physical force against § 87(2)(b) On October 21, 2019, \$87(2)(b) appeared at the CCRB and hand delivered a lengthy written complaint detailing this incident (BR01), to which he provided a sworn statement to on October 24, 2019 (BR02). stated (BR02) that on September 28, 2019, at approximately 10:30 a.m., he went to the 44th Precinct stationhouse to see if the officers there had Right to Know Act business cards. During the interview, \$87(2)(b) clarified that he had not requested any business cards from any particular officers at the 44th Precinct stationhouse, but rather, wanted to see if the officers had them for his own research. After becoming frustrated with an officer's knowledge of the Right to Know Act, called Governor Andrew Cuomo within the stationhouse lobby, and began to leave a voicemail message for him. An officer told § 87(2)(b) that he could not be on the phone within the stationhouse, and so he stepped outside to finish his call. stated that while on the phone he stood next to the open entrance door outside the 44th Precinct stationhouse, and was not blocking the doorway. An officer, identified through the investigation as PO Gonzalez, approached from outside, and told \$87(2)(6) he wanted to get through. § 87(2)(b) replied, "You have my permission, you can pass by." insisted that he was not blocking the entrance to the stationhouse, and that PO Gonzalez had enough room to pass by without making physical contact with him. As § 87(2)(b) concluding his phone call and putting his phone away, PO Gonzalez suddenly "bulldozed" his way into the stationhouse, using his right shoulder to push against §87(2)(b) s right shoulder, and causing him to be pushed back and slightly stumble into the stationhouse. The investigation obtained four videos from the 44th Precinct stationhouse, one of which, the Interior Lobby camera (BR03) captures the allegation above, and the relevant sections of which are detailed as follows. At the 35:10 minute mark of the video (BR03), \$\sqrt{97(2)(b)}\$ is seen standing at a black gate at the top left of the frame, that separates the civilian area from the MOS area within the 44th

Precinct stationhouse. \$87(2)(6) takes out his cell phone and appears to make a phone call. At the 35:24 minute mark, in apparent response to an unseen officer, \$87(2)(6) walks away from the gate, and stands just inside the vestibule of the front entrance to the stationhouse, directly in the





The Patrol Guide defines an emotionally disturbed person as an individual who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others. Patrol Guide, Procedure 221-13 (BR13). Civilian and Officer CCRB Histories has been party to three prior CCRB complaints. § 87(2)(b) PO Gonzalez, a 13-year-member-of-service, has had seven prior CCRB complaints filed against him, with a total of eight allegations, none of which were substantiated (see Officer History). § 87(2)(g) Sgt. Williams, a 16-year-member-of-service, has had three prior CCRB complaints filed against him, with a total of four allegations, none of which were substantiated (see Officer History). **Mediation, Civil and Criminal Histories** This case was not suitable for mediation. As of February 12, 2020, § 87(2)(b) has not filed a Notice of Claim with NYC Comptroller's Office with regard to this incident (BR14). § 87(2)(b) (BR15). Squad No.: 7 Investigator: Print Title & Name Signature Date Squad Leader: \_\_ Signature Print Title & Name Date

Print Title & Name

Signature

Reviewer:

Date